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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,138	08/22/2006	Sebastian Obermanns	2003P16866	5733

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EXAMINER
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LEBASSI, AMANUEL

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,138	<b>Applicant(s)</b> OBERMANN, SEBASTIAN	
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 10-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. US 20040266339 in view of Yonge, III. US 6987770.

Regarding claim 10, Larsson discloses a method for packet-switched data transmission (abstract; paragraph [0064] and [0081], transmission of data) in a self-organizing radio network with at least a first and a second radio coverage area, and at least one mobile communication device for each radio coverage area (paragraph [0064] and Fig. 5, with first and second coverage areas CA1 centered at TX 210 and CA 2 centered at Receiver 220 respectively and an intermediate device Relay 215). Larsson discloses operating a first device in the first radio coverage area (Fig. 5, TX 210 on CA1) and a second device in the second radio coverage area (Fig. 5, RX 220 on CA2), for centrally controlling an assignment of transmission channels assigned to the respective radio coverage area (Fig. 5 where Relay unit 215 can act both as a subscriber unit and as base

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station at the same time). Larsson discloses operating in each of the first and second radio coverage areas mobile communication devices forming intermediate stations for forwarding to the second radio coverage area data originating from the first radio coverage area (paragraph [0064] - Fig. 5 where Relay unit 215 can act both as a subscriber unit and as base station at the same time). However Larsson is silent on disclosing thereby operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data between the intermediate station and the second central control device .

Yonge teaches thereby operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data between the intermediate station and the second central control device (**abstract, where frame originating from a first station and intended for a second station to be forwarded to the second station by an intermediate station**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the inventions of Larsson and add thereby operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data

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between the intermediate station and the second central control device. The motivation would be in order to transmit a data packet first to an intermediate station, and then to the destination station (**col. 1, lines 24-32**).

Regarding claim 11, Larsson discloses transmitting control data appended in the transmission with the first central control device on a separate transmission channel (paragraph [0044]).

Regarding claim 12, Yonge teaches the separate transmission channel is an FCH channel (col. 3, lines 18-25 where the frame forwarding can further include selecting the intermediate station for frame forwarding from among the stations that can communicate with the second station using connection information based on characteristics of a respective first channel connection between each station and the second station and a second channel connection between each station and the first station).

Regarding claim 13, Yonge teaches if the FCH channel cannot be received by the second central control device, appending with the intermediate station control data for the second central control device to the data to be forwarded (col. 3, lines 18-25).

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Regarding claim 14, the combination of above teaches adding to the control data at least one of an address of the second central control device and a format of the data to be forwarded (see above).

Regarding claim 15, Yonge discloses analyzing the control data in the intermediate station (col. 1, lines 33-37).

Regarding claim 16, Larsson discloses analyzing the control data in the second central control device (paragraph [0021]).

Regarding claim 17, Yonge discloses operating the radio network using central medium access control in accordance with a standard selected from the group consisting of IEEE 802.11 standard, IEEE 802.16, Hiperlan/2, and a standard derived therefrom (col. 14, lines 57-59).

Regarding claim 18, Yonge discloses an intermediate station configured for carrying out the method (col. 1, lines 33-37).

Regarding claim 19, Larsson discloses a central control device configured for carrying out the method (paragraph [0051]).

***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028?

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*  
/A. L. /  
06252009

/NICK CORSARO/

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Supervisory Patent Examiner, Art Unit 2617